

WILLIAM COLEMAN SCOTT,
Petitioner,
v.
EDDIE M. BUFFALOE, JR., et. al.
Respondent.

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on September 26, 2022, was served on the parties in this action. Plaintiff objected to the Recommendation. (Doc. 5.)

IT IS THEREFORE ORDERED that this action is construed as a habeas petitioner under 28 U.S.C. § 2241 and DISMISSED *sua sponte* without prejudice to Petitioner filing a new petition which corrects the defects of the current Petition after exhausting his claims in state court. The new petition must be accompanied by either the five-dollar filing fee or a current application to

proceed *in forma pauperis*. Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is not issued.

/s/ Thomas D. Schroeder
United States District Judge

October 21, 2022